

MINUTES
WOODSTOCK CITY COUNCIL
City Council Chambers
June 16, 2020

A regular meeting of the Woodstock City Council was called to order at 7:00 PM on Tuesday, June 16, 2020, by Deputy Mayor Michael Turner in the Council Chambers at Woodstock City Hall. Deputy Mayor Turner read a statement concerning the update of the Open Meetings Act, which was amended to permit meeting remotely when the Mayor deems under the state's safety guidelines it is necessary to ensure the safety of the City Council and the Public. He noted all votes will be taken by a roll call vote. Deputy Mayor Turner stated certain Council members and staff are attending remotely and those attending at City Hall are observing social distancing. Noting there are no members of the public attending the meeting in person, Deputy Mayor Turner stated the meeting is being livestreamed as is the City's policy. He explained the procedures to be used by the City Council, City Staff, and the Public to join today's meeting, including how comments may be made and questions asked, and invited all to participate. He explained the Consent Calendar.

A roll call was taken.

COUNCIL MEMBERS PRESENT IN THE COUNCIL CHAMBERS: Deputy Mayor Michael Turner.

COUNCIL MEMBERS PRESENT ATTENDING REMOTELY: Darrin Flynn, Lisa Lohmeyer, Wendy Piersall, Jim Prindiville, and Gordon Tebo.

COUNCIL MEMBERS ABSENT: Mayor Brian Sager

STAFF PRESENT IN THE COUNCIL CHAMBERS: City Manager Roscoe Stelford and Communications/Grant Manager Terry Willcockson.

STAFF ATTENDING REMOTELY: Finance Director/Assistant City Manager Paul Christensen, City Attorney Ruth Schlossberg, IT Director Dan McElmeel, Public Works Director Jeff Van Landuyt, Building and Zoning Director Joe Napolitano, Chief John Lieb, and Economic Development Director Garrett Anderson.

OTHERS PRESENT IN THE COUNCIL CHAMBERS: City Clerk Cindy Smiley

OTHERS ATTENDING REMOTELY: None

City Clerk Smiley confirmed the agenda before the Council is a true and correct copy of the published agenda.

III. FLOOR DISCUSSION

A. Public Comments

There were no comments forthcoming from the Public.

B. Council Comments

Deputy Mayor Turner wished to recognize a statement on the City's web page and Facebook page by Mayor Sager regarding his feelings about racism as it relates to issues in this country. Deputy Mayor Turner expressed his feeling that the Mayor's commentary was very appropriate and articulate, and wished to recognize the Mayor's leadership.

Deputy Mayor Turner commended the Police Department for their professional and controlled reaction in dealing with the recent domestic violence incident that resulted in injuries to two individuals. He wished to give kudos to the Police Department for their wonderful police work in controlling the situation and for the safety they bring to the community.

IV. CONSENT AGENDA

Motion by G. Tebo, second by W. Piersall, to approve the Consent Agenda.

In response to a question from Deputy Mayor Turner, the following item was removed from the Consent Agenda by the City Council or the Public:

Item D-5 – Ordinance – City Code Amendment – No Parking on Greenly Street by Deputy Mayor Turner.

In response to a question from Deputy Mayor Turner, the following questions or comments were raised by members of the City Council or the Public regarding items on the Consent Agenda:

Item D-2 – Agreement – NIU Age Friendly Contract

In response to a question from Councilman Tebo, City Manager Stelford clarified certain points of the NIU Contract. Councilman Piersall applauded Grant Writer/Communications Manager Terry Willcockson for her work which made this project possible by securing a grant to finance it.

There were no further comments or questions concerning the items on the Consent Agenda.

Deputy Mayor Turner affirmed the Consent Agenda to include items A through D-4, D-6, and D-7 as follows:

A. MINUTES OF PREVIOUS MEETING

February 20, 2020 City Council Budget Workshop
June 2, 2020 City Council Meeting

B. WARRANTS #3909 #3910**C. MINUTES AND REPORTS**

Board of Fire and Police Commission Meeting Minutes
Public Works Department Monthly Report

March 2, 2020
April 2020

D. MANAGER'S REPORT NO. 159:

- 1. Ordinance – Class A-2 Liquor License – Fastacos, Inc.** – Approval of Ordinance 20-O-45, identified as Document 1, *An Ordinance Amending Title 3, Chapter 3, Liquor Control of the Woodstock City Code*, which will increase the number of Class A-2 liquor licenses by one for issuance to Fastacos, Inc., 150 S. Eastwood Drive, Suite A, contingent upon fulfillment of all identified requirements.
- 2. Agreement – NIU Age Friendly Contract** – Authorization for the City Administration to execute a project agreement with the NIU Center for Governmental Studies, identified as Document 2, to plan for an Age-Friendly Livable Community, along with the approval to pay the requested first-half of the project fee of \$24,937.50 with the remainder due at project completion in March 2021.
- 3. Ordinance – Emergency Loan Program – Not-for-Profit with Retail** – Approval of Ordinance 20-O-46, identified as Document 3, *An Ordinance Amending the Emergency Small Business Loan Program (COVID-19 Emergency)* to allow for not-for-profit entities with retail components to participate in this program.
- 4. Capitalization Thresholds Policy** – Authorization to adopt a formal Capitalization Thresholds Policy for the City of Woodstock.
- 6. Ordinance – City Code Amendment – Temporary & Permanent Easements** – Approval of Ordinance 20-O-47, identified as Document 5, *An Ordinance Amending Title 1, Chapter 6, Articles A.5.1 (Authorizing the City Manager to Acquire Certain Property Rights to Facilitate Council-Approved Projects) and A.5.2 (Authorizing the City Manager to Contract for or Otherwise Procure such Property Rights to Facilitate Council-Approved Projects)*
- 7. Ordinance – FY20/21 Budget Amendment** – Approval of Ordinance 20-O-48, identified as Document 6, *An Ordinance Correcting the Fiscal Year 2020/2021 Budget for the City of Woodstock, Illinois*.

A roll call vote was taken on items A through D-4, D-6, and D-7.

Ayes: D. Flynn, L. Lohmeyer, W. Piersall, J. Prindiville, G. Tebo, and Deputy Mayor M. Turner.
Nays: none. Abstentions: none. Absentees: Mayor B. Sager. Motion carried.

Item D-5 – Ordinance – City Code Amendment – No Parking – Greenly Street

Deputy Mayor Turner stated prior to the meeting he received a request from a Greenly Street property owner stating he would like to postpone discussion of this item until he is able to attend the meeting in person. Stating this is a reasonable request, Deputy Mayor Turner expressed his support for postponing this item to the July 21st Council meeting.

There were no comments or questions from the City Council or the Public.

Motion by W. Piersall, second by D. Flynn, to postpone Item D-5 – Ordinance – City Code Amendment – No Parking – Greenly Street to a time specific, specifically to the Tuesday, July 21, 2020 City Council meeting.

There were no comments or questions from the City Council or the Public.

A roll call vote was taken.

Ayes: D. Flynn, L. Lohmeyer, W. Piersall, J. Prindiville, G. Tebo, and Deputy Mayor M. Turner.
Nays: none. Abstentions: none. Absentees: Mayor B. Sager. Motion carried.

V. DISCUSSION

1. Food Trucks

Deputy Mayor Turner provided history on this item, noting food trucks have been a growing part of the fabric of the community. He stated this topic was last addressed in February 2012, opining it is appropriate to revisit it at this time, noting it was brought to City Staff by some of the Benton Street restaurant owners regarding a nearby business who had a food truck selling food on public property. Noting all establishments are trying to survive during this time, he stated he can understand both sides of the issue.

Deputy Mayor Turner stated the purpose of this evening's discussion is to get a sense of where Council members stand relative to possible changes to the food truck regulations and to see if there are administrative adjustments they wish Staff to review within legal bounds.

Deputy Mayor Turner stated he would like Council members to frame the discussion on options and recommendations from an administrative perspective and items for possible changes at a later meeting. He stated he is not looking to ban food trucks, opining this would not serve the greater public good, but also does not wish to unnecessarily impact the brick and mortar businesses.

He noted there are two different items to be discussed, (i.e., food trucks operating on private property and food trucks operating on public property). Discussion ensued with Mr. Stelford providing information on the current regulations and processes for both of these situations. He noted desired changes to future regulations via an ordinance related to those food trucks operating on public property could be made fairly quickly, while changes would be required within the Unified Development Ordinance (UDO) for food trucks operating on private property, which would require input by the Plan Commission and a public hearing.

Deputy Mayor Turner urged Staff to be creative, noting all solutions do not need to be found this evening. He urged the public, restaurants, and bars to come up with suggestions as well. He noted it is not the intent for this discussion to include the regulation of food trucks at approved special events.

Councilman Flynn stated the City should be very careful in regulating what one business can do and another cannot do, opining it is a slippery slope and noting this is something new. He noted the City closed off an entire street for the Benton Street businesses who are now complaining.

Councilwoman Piersall agreed with Councilman Flynn, noting the Food Truck at Ortmann's is 150 ft. away from the businesses on the Square. She expressed surprise that food trucks on private property are more highly regulated, opining it is not much different than a business bringing in a caterer for an event. In response to her question, Mr. Stelford stated there is not a similar ordinance which regulates catering. She reminded everyone of Your Sister's Tomato, which started out as a food truck, and now is a wonderful new restaurant in the city, stating she is not interested in adding regulations.

Deputy Mayor Turner stated he does not see a business that operates a food truck and a restaurant the same as one that just operates a food truck.

In response to questions from Councilman Tebo, Deputy Mayor Turner noted the food truck at Ortmann's was located in the public parking. City Manager Stelford stated they obtained permission for the second opportunity, but not the first. Unfortunately, Ortmann's and the food truck operators were unaware of this requirement. They did address this issue immediately once they were informed.

Discussion followed of the various food trucks operating in the city both before and since COVID-19. Stating it does not look like there are a great many, Councilman Tebo opined this does not look like a threat to the businesses. Deputy Mayor Turner stated that depends upon who you are talking too, opining while he does not believe it is a threat right now, this is a sensitive time and perhaps before COVID-19 would not be a big deal. Councilman Tebo opined the Council is trying to decide if it wishes to change something for a temporary period during COVID-19 because it was not needed before. Deputy Mayor Turner noted the City does not regulate competition, so a question would be should that be done in this instance.

In response to a question from Councilwoman Piersall, City Attorney Schlossberg stated other municipalities license food trucks on public property and that is not unusual. Councilwoman Piersall expressed concern that food trucks coming from out of town would not know the regulations. Ms. Schlossberg opined the food truck operators should seek out information regarding local regulations.

Discussion followed of possible fees for one or multiple food trucks owned by the same company for multiple occurrences. In response to a question from Councilwoman Piersall concerning whether the license could be held by the business owner rather than the truck owner, City Attorney Schlossberg stated the license would be held by whoever the operator is.

Opining much has happened in the food truck industry in the last eight years since the City's original ordinance was adopted, Councilman Flynn opined there is a great difference between operating on private vs. public property. He noted many business owners see a food truck as an attraction for his/her business. Noting the fear originally was that a food truck on private property could become more permanent, he opined the ordinance should be modified and could include a stipulation on the length of the event and a time within which a food truck must be moved. He advocated for a fee of \$100 per year with a registration, noting this would ensure any sales tax generated while the food truck operated in Woodstock would go to the City.

Councilwoman Lohmeyer stated she is not unsympathetic to the competitive nature of this issue, noting food trucks are popular right now. She opined \$100 for an entire year might be too modest and suggested researching fees in other municipalities, perhaps using a sliding scale based upon the number of times a food truck operates in Woodstock. She stated she wishes to be cognizant of the neighbors and also of those who are trying to be creative in their businesses.

The floor was opened to Public Comment.

Heather Flores of Flores Banquets stated like so many other businesses they have been closed during the past few months and have been hit hard. She stated in order to bring business to their venue they have begun hosting parking lot parties with music, games, and food trucks, noting this has significantly helped them financially during this very difficult time. She noted they have received very positive comments from the public. Ms. Flores stated it is her hope the food truck fee for her events could be waived for now until her business gets back on its feet. She described the event, noting it is a family event with all music provided by volunteers to save money and stated it is her hope to have these events through August to help them financially. She stated because of the nature of her business, it cannot open up when bars and restaurants can, noting the majority of her booked events would have more than 50 people. Ms. Flores emphasized her events featuring the food truck is a creative way to generate revenue for her business.

The Council applauded Ms. Flores' creativity. Councilman Flynn noted if the same food truck came to all of Ms. Flores' events through August and was required to pay a fee for each, this would be very expensive. Ms. Flores provided information on how she has contacted food truck vendors, noting most were already booked, meaning she is using the same truck many times.

In response to a question from Deputy Mayor Turner as to whether she would be doing this if not for COVID-19, Ms. Flores stated she believes a diversity of events and opportunities is good for the community, but noted she would not be able to do this on normal weekends as her venue is usually booked months in advance. She stated this started because of COVID-19.

Ryan and Tammy Ortmann, owners of Ortmann's Red Iron Tavern, were invited to comment. Ms. Ortmann stated this is a new opportunity for their business. She noted her business does not serve food, so this supplements their sales, stating it has been well received by the community. Ms. Ortmann noted they also encourage people to order from other restaurants on the Square and bring it to their outdoor area for consumption and also bring food from home. She stated it is their request to have a food truck once a week during the summer on Friday evenings.

Council applauded the Ortmanns on their creativity, noting they have done much for their business. In response to a question from Councilwoman Piersall, Mr. Ortmann stated they have always allowed people to bring in food from other restaurants. He stated they have invested a lot of time and money in their beer garden and want people to enjoy it. He noted they also wish to support the food trucks.

Deputy Mayor Turner noted he has heard from the restaurant owners if someone is eating from a food truck they are not eating from a restaurant and they (the food trucks) are undercutting the

restaurants' prices when the restaurant owners have invested in the community. Ms. Ortmann responded they are hosting a food truck for up to five hours, one time per week, while they are encouraging their customers to order from local restaurants every day of the week. She stated they also encourage people coming off the train to investigate the restaurants on the Square and to eat there.

In response to a question from Deputy Mayor Turner concerning a business that has a food truck a few hours a day every day of the week, Mr. Ortmann stated people will make the choice on how to spend their money, opining a wider selection is better for everyone. He stated food trucks have a following so they may bring people from other communities who would not normally come to Woodstock.

In response to a question from Councilman Flynn, Ms. Ortmann stated they paid for the food truck's certificate. She stated they consider the food truck operators to be local as they work for the Moose.

In response to a question from Councilman Tebo, Ms. Ortmann stated they decided to bring a food truck in to bring more people to their beer garden. She stated they have spent a lot of money to help with outside service during this time of COVID-19, noting the food truck has been well received.

Deputy Mayor Turner thanked the Ortmanns on behalf of the Council for their investment in the community, noting they have turned their business into a wonderful venue. Ms. Ortmann stated they look forward to many more years in the community.

Mario Cortez, Holzlager Brewing Company, echoed the Ortmanns' comments. He stated he does not have a kitchen, opining he encourages customers to purchase food from other local businesses. He wanted Council to know his business experiences a significant benefit from food trucks. Mr. Cortez stated he is trying to do everything he can to work with his neighboring business owners to help everyone, noting he wishes to support local businesses especially during the current situation.

Deputy Mayor Turner opined the regulations for operating a food truck on private property should not be changed tonight, but should be looked at in the future as he is sensitive to the concerns of restaurant owners should multiple food trucks show up. He stated he would like input from businesses for a future discussion.

Councilman Tebo expressed support for loosening fees during this time to help businesses get back on their feet, but stated once this is over he would like to look at this as an issue that will be here for a while and possibly raise fees. He stated he looks at the short-term and long-term differently.

Councilman Flynn supported waiving fees for 2020, but still requiring registration so the City has a record of who is in Woodstock. He also supported revisiting the issue in 2021.

Councilman Piersall advocated for looking at making public and private property more similar, but expressed support for leaving the 150 feet from a restaurant regulation in place.

Opining the discussion has been worthwhile, Deputy Mayor Turner stated he does not sense a strong desire for major changes. He suggested revisiting the issue in July, opining the ordinance, which has not been changed since 2012, can be improved and updated with some creativity. He stated he still recognizes that the restaurants on Benton Street have concerns, noting he would have a problem if the food truck in question was present in the area more frequently. He emphasized he does not have a problem with the current frequency.

Deputy Mayor Turner noted Staff already has the administrative ability to grant or deny a current permit. In response, Mr. Stelford explained this further. Deputy Mayor Turner stated he is currently supportive of the frequency of the food truck operating at Ortmanns' and also the one at Flores' extending into July and August.

In response to a question from Deputy Mayor Turner, it was the consensus of the City Council that the frequency at Ortmanns and Flores described above is appropriate.

In response to a question from Deputy Mayor Turner, it was the consensus of the City Council that Staff monitor this situation and act on any issues or check back with Council if frequency becomes an issue.

It was the consensus of the City Council to direct Staff to look into ways to modify the ordinance by reaching out to the Benton Street businesses and those in the strip mall on Rt. 47 as well as food truck operators, and research the procedures utilized in other communities.

Deputy Mayor Turner noted Council is directing no major changes this evening.

FUTURE AGENDA ITEMS

Deputy Mayor Turner reminded Council of the Special City Council Workshop on July 9th at 3:00 PM, which will focus on street financing and tree removal easement. There were no suggestions by the Council or the Public to add, delete, or amend items on the tentative future agenda.

VI. ADJOURN

Motion by L. Lohmeyer, second by D. Flynn, to adjourn this regular meeting of the Woodstock City Council to the Special City Council Workshop on Thursday, July 9, 2020 at 3:00 PM.

Ayes: D. Flynn, L. Lohmeyer, W. Piersall, J. Prindiville, G. Tebo, and Deputy Mayor M. Turner.
Nays: none. Abstentions: none. Absentees: Mayor B. Sager. Motion carried.

The meeting was adjourned at 8:27 PM.

Respectfully submitted,

Cindy Smiley
City Clerk